

1 EILEEN M. DECKER
United States Attorney
2 LEON W. WEIDMAN
Assistant United States Attorney
3 Chief, Civil Division
ROGER E. WEST
4 Assistant United States Attorney
First Assistant Chief, Civil Division
5 California Bar No. 58609
Room 7516, Federal Building
6 300 North Los Angeles Street
Los Angeles, California 90012
7 Telephone: (213) 894-2461
Facsimile: (213) 894-7819
8 E-mail: roger.west4@usdoj.gov

9 Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 WESTERN DIVISION
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14 IN RE: } CV MISC. NO. 15-247
15 LETTERS ROGATORY FROM THE }
16 DISTRICT COURT OF KOPER, } APPLICATION FOR ORDER
17 SLOVENIA } APPOINTING THE ASSISTANT
18 } UNITED STATES ATTORNEY AS
19 } COMMISSIONER
20 } (28 U.S.C. § 1782)

21 The United States of America by the undersigned, Eileen M. Decker, United
22 States Attorney for the Central District of California, by Leon W. Weidman,
23 Assistant United States Attorney, Chief, Civil Division, by Roger E. West,
24 Assistant United States Attorney, First Assistant Chief, petitions this Court for an
25 Order, pursuant to § 1782 of Title 28 of the United States Code, in the form
26 submitted, appointing Roger E. West, Assistant United States Attorney, First
27 Assistant Chief, Civil Division, or his successor in office, as Commissioner and
28 directing the taking of evidence from Miha Plut who, it has been determined,

1 resides or can be found within the jurisdiction of this Court, pursuant to the terms
2 and conditions set forth in the Letters Rogatory issued by the above-entitled court
3 in Koper, Slovenia, pertinent to the case Miha Plut v. Silvana Caserman, et al.,
4 case number P 245/2010.

5 Attached as Exhibit 1 is a copy of the Letters Rogatory from the court in
6 Slovenia. The court in Slovenia is asking that the evidence set forth in Exhibit 1 of
7 p. 12 be obtained from Miha Plut by means of a deposition. Notice will be given
8 to the court in Slovenia of the date and time of the taking of evidence.

9 The only restrictions explicitly stated in 28 U.S.C. § 1782 are: (1) that the
10 request be made by a foreign or international tribunal or any interested person; (2)
11 that the testimony or material requested be for use in a proceeding in a foreign or
12 international tribunal; and (3) that the person or entity from whom the discovery is
13 sought is a resident of or can be found in the district where the application is filed.
14 See In Re Request for Judicial Assistance from the Seoul District Criminal Court,
15 Seoul, Korea, 555 F.2d 720, 723 (9th Cir. 1977); United States v. Sealed 1, Letter
16 of Request for Legal Assistance from the Deputy Prosecutor General of the
17 Russian Federation, 235 F.3d 1200, 1205 (9th Cir. 2000) (citing Korea at 555 F.2d
18 at 723 that, “Under the statute the only restrictions explicitly stated are that the
19 request be made by a foreign or international tribunal, and that the testimony or
20 material requested be for use in a proceeding in such a tribunal”); In Re Bayer AG,
21 146 F.3d 188, 192 (3rd Cir. 1998).

22 All these three requirements are met in this case. First, the request was
23 made by the District Court of Koper, Slovenia, which is a foreign tribunal.
24 Second, there is a proceeding in that court entitled, Miha Plut v. Silvana Caserman,
25 et al., case number P245/2010, and the evidence being sought is for use in that
26 proceeding by that court. Finally, it has been determined that Miha Plut resides or
27 can be found within the jurisdiction of this Court.

1 Therefore, the United States respectfully requests the Court to sign the
2 Order, being lodged under separate cover, appointing Roger E. West, Assistant
3 United States Attorney, First Assistant Chief, Civil Division, or his successor in
4 office, as Commissioner, and directing the taking of testimony from Miha Plut, to
5 enable the court in Slovenia to complete the proceedings before it.

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7 DATED: This 17th day of September, 2015.

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9 EILEEN M. DECKER
10 United States Attorney
11 LEON W. WEIDMAN
12 Assistant United States Attorney
13 Chief, Civil Division

14 Roger E. West
15 Assistant United States Attorney
16 First Assistant Chief, Civil Division
17 Attorneys for the United States of America
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